IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.671 OF 1995.

The Maharashtra State Road
Transport Corporation. .. Appellant

vs.

Mrs. Sushila Chandrasen Takawale
& Ors. .. Respondents.

Shri S.A.Karmalkar i/b.G.S.Hegde for the appellant.

None for the Respondents.

CORAM : D.G.DESHPANDE, J.

DATED : 20th january, 2005.

P.C. :

1. Heard the learned Counsel for the appellant. The appellant was the opponent in claim for compensation filed by the respondents i.e. the motor accident claim. This claim petition was dismissed and therefore there was no cause for the Maharashtra State Road Transport

Corporation to file the Appeal. In fact, the appellant should consider itself fortunate that no cross objection or Appeal is filed by the claimant against the dismissal of their claim petition. However, it appears that a sum of Rs.25,000/- was required to be paid by the appellant under no fault liability. The Court observed and held that normally this amount is recoverable from the claimants, in the cases, where the main claim petition fails. However, the Court held that in the present case the court was not inclined to pass such order. In the present order the discretion not to recover Rs.25,000/- has been properly exercised by the Lower Court in the peculiar facts and circumstances of the case. No interference in required nor called for. Hence Appeal is dismissed. No order as to cost.

20.01.2005 (D.G.Deshpande, J)